



STATE OF TENNESSEE
TENNESSEE COMMISSION ON CHILDREN AND YOUTH

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LEGISLATIVE COMMITTEE
TCCY Conference Room
Andrew Johnson Tower, Ninth Floor
Wednesday, February 22, 2006
2:00 p.m.

MINUTES

Committee Members Present

Diane Neighbors, Chair
Natasha Blackshear
Beverly Cosley
Dana Lesley

Committee Members Absent

Colonel Robbins
Tim Goldsmith
Charles Hutchins

Staff Present

Linda O'Neal, Director
Pam Brown
Amber Dixon
James Moore
Steve Petty
Elizabeth Tate
Pat Wade

Chair Neighbors called the meeting to order at 2:15 p.m.

I. Welcome and Introductions

All present introduced herself or himself.

II. Review of TCCY Legislative Positions Process

Linda O'Neal and Steve Petty reviewed the TCCY process for developing legislative positions. O'Neal and Petty both review all bills filed. Petty produces a Legislative Report with all bills identified as impacting children and families. In consultation with Regional Coordinators and other staff, a maximum of the 144 most important bills are selected for the Legislative Updates that are distributed each Friday with the status of legislation. The most significant bills are selected for TCCY consideration for positions. Legislative Reports have been distributed the past two weeks to provide Commission members the opportunity to identify bills they want considered for positions. Trudy Hughes is the only member who had called Petty regarding pending legislation.

III. Legislative Review

O'Neal highlighted each bill and the reason for the staff recommendation for a position of "support" or "oppose." She advised members traditionally TCCY is especially concerned about positions of opposition and efforts to ensure legislation that would not be good for children does not pass. TCCY often supports legislation on principle or because it is really a good idea, but recognizes many times good legislation will not pass due to the cost.

The Committee reviewed legislation identified by staff for positions and the draft recommendations. The actions of the Committee are reflected on the attached "Legislative Committee Recommendations on Positions on Legislation Tennessee Commission on Children and Youth February 22, 2006."

IV. Other Business

The Committee identified additional bills for review at the scheduled meeting the following day.

There being no further business, the meeting adjourned at 5:00 p.m.

Minutes Prepared by:

Minutes Approved by:

Linda O'Neal, Executive Director

Diane Neighbors, Chair

Legislative Committee Recommended Positions on Legislation

Tennessee Commission on Children and Youth

February 22, 2006

ALCOHOLIC BEVERAGES

SB 2954* **Consumption of alcohol or beer by minors.** Specifies that if adult host knowingly
HB 3176 permits or facilitates the consumption of alcohol or beer by minors on the residential
premises of the adult, then the adult has an absolute duty to exercise ordinary and
reasonable care to ensure the safety of the minor guests and to prevent such minor guests
from harming third persons or from befalling harm themselves. (S: Henry; H: Harwell)

TCCY Staff Recommended Position: SUPPORT – REASON: TCCY supports
legislation to reduce underage drinking, with the understanding that liability should be
based on knowingly permitting, or knowingly facilitating.

**MOTION TO SUPPORT STAFF RECOMMENDATION TO SUPPORT: COSLEY,
SECOND BLACKSHEAR. UNANIMOUS**

SB 3316 **TN Responsible Vendor Act of 2006.** Enacts the "Tennessee Responsible Vendor Act of
HB 3210* 2006" that requires the department of agriculture to establish a responsible vendors
program that includes comprehensive instruction for vendors and their employees on the
prevention of the sale of beer to persons not of legal age. Creates a certification process for
responsible vendors. (S: Haynes; H: Moore)

TCCY Staff Recommended Position: SUPPORT – REASON: TCCY supports
legislation to reduce underage drinking.

**MOTION TO SUPPORT STAFF RECOMMENDATION TO SUPPORT:
BLACKSHEAR, COSLEY SECOND. UNANIMOUS**

CRIMINAL LAW

SB 2584* **Aggravated statutory rape.** Establishes Class C felony offense of aggravated statutory
HB 2661 rape defined as sexual penetration of a victim between 13 and 18 years old where the
defendant is at least 10 years older than the victim. (S: Black; H: Bunch)

TCCY Staff Recommended Position: SUPPORT – REASON: TCCY supports this as
an appropriate strategy to address the problem of older men who prey on adolescent girls
by providing enhanced punishment when they are substantially older than the girls.

**MOTION TO SUPPORT STAFF RECOMMENDATION TO SUPPORT: LESLEY,
SECONDED BLACKSHEAR. UNANIMOUS**

SB 2624* **Judicial diversion prohibited for child abuse defendants.** Adds persons accused of
HB 2611 child abuse or child neglect or endangerment under 39-15-401 to defendants prohibited
from possible judicial diversion. Current prohibitions exist for persons accused of a sexual
offense or a Class A or a Class B felony. (S: Bowers; H: Favors)

TCCY Staff Recommended Position: OPPOSE – REASON: TCCY opposes this
legislation because in some cases of child abuse or neglect, judicial diversion with the
provision of services to the family is in the best interests of the child. This may be an
effective alternative in episodic child maltreatment to provide for child safety, and is a
decision best left to a judge rather than prohibited by statute.

**MOTION TO SUPPORT STAFF RECOMMENDATION TO OPPOSE:
BLACKSHEAR, SECONDED COSLEY. UNANIMOUS.**

SB 2671* **Time extension for sex offenses against children.** Extends time within which specified
sex offenses committed against children can be brought from the time the child turns 21 to
30 years from date child becomes 18 if the defendant is in a position of authority or trust
over the child. (S: Woodson)

TCCY Staff Recommended Position: SUPPORT – REASON: TCCY supports all
appropriate legislation lengthening the statute of limitations for child abuse cases,
especially child sexual abuse.

**MOTION TO SUPPORT STAFF RECOMMENDATION TO SUPPORT:
BLACKSHEAR, SECONDED LESLEY. UNANIMOUS**

SB 2697* **Child abuse and neglect.** Increases age of children to whom offense of child neglect applies from 13 years old to 18 years old. (S: Kilby)

TCCY Staff Recommended Position: SUPPORT – REASON: TCCY supports legislation extending the definition of child abuse and neglect to all children under age 18 rather than just under age 13. Children between the ages of 13 and 17 are the victims of maltreatment, and such maltreatment should be considered child abuse and the law should allow perpetrators to be held accountable for child abuse/neglect.

MOTION TO SUPPORT STAFF RECOMMENDATION TO SUPPORT: LESLEY, SECONDED COSLEY. PASSED. BLACKSHEAR ABSTAINED.

SB 2951 **Sex offenses committed against children.** Abolishes statute of limitations for sex
HB 2528* offenses committed against a child under 18. (S: Black; H: Jones S.)

MOTION TO TAKE NO POSITION: BY CONSENSUS.

SB 3219 **Child abuse and neglect.** Raises age limit for which the knowing abuse or neglect of a
HB 2798* child is a Class A misdemeanor to 18 from 13 years of age. (S: McNally; H: Johnson R.)

TCCY Staff Recommended Position: SUPPORT – REASON: TCCY supports legislation extending the definition of child abuse and neglect to all children under age 18 rather than just under age 13. Children between the ages of 13 and 17 are the victims of maltreatment, and such maltreatment should be considered child abuse and the law should allow perpetrators to be held accountable for child abuse/neglect.

MOTION TO SUPPORT STAFF RECOMMENDATION TO SUPPORT: LESLEY, SECONDED COSLEY. UNANIMOUS.

SB 3091 **Background checks for persons working with children.** Requires all employees of
HB 3088* child care providers, including detention centers and temporary holding facilities, to submit to a fingerprint and background check. (S: Black; H: Jones S.)

TCCY Staff Recommended Position: SUPPORT – REASON: TCCY supports legislation requiring fingerprinting and background checks for persons working with children in juvenile detention centers and temporary holding facilities. Children in these kinds of facilities are particularly vulnerable to abuse because of the secure and closed nature of the programs. Therefore persons with access to them in these facilities should receive the same screening as persons involved in other child serving programs.

MOTION TO SUPPORT STAFF RECOMMENDATION TO SUPPORT: BLACKSHEAR, SECONDED COSLEY. UNANIMOUS.

SB 3538* **Illegal drug use by pregnant women.** Requires health care providers to report illegal drug use by pregnant women as child abuse to the department of children services. (S: Herron)

TCCY Staff Recommended Position: OPPOSE – REASON: TCCY strongly supports appropriate efforts to assist pregnant women to become or remain free from use of illegal substances. However, TCCY does not support legislation establishing mandatory child abuse reporting when a pregnant woman is identified as using illegal substances because mandatory reporting is a substantial deterrent to receiving prenatal care. Access to prenatal care has better prospects for improving pregnancy outcomes and health of the baby than child abuse reporting.

**MOTION TO SUPPORT STAFF RECOMMENDATION TO OPPOSE:
BLACKSHEAR, SECONDED COSLEY. PASSED. LESLEY VOTED NO.**

SB 3142* **Registration of juvenile sex offenders.** Requires juvenile sexual offenders to register
HB 3243 with county sheriff. Terminates juvenile sex offender's registration when such person turns 25 years of age. Specifies that juvenile sex offender registration is not public record. (S: Crowe; H: Cochran)

TCCY Staff Recommended Position: OPPOSE – REASON: TCCY strongly supports efforts to provide effective intervention in cases involving juvenile sexual offending. However, TCCY opposes legislation requiring registration with the sheriff in these cases. The recidivism rate for juvenile sexual offenders is very low, and registration requirements such as this have minimal impact on public safety, but serious potential negative impact on the opportunities for the person who would have to register. Often juvenile sexual offenders are repeating victimization they have received, and appropriate behavioral intervention is more effective in terms of both community safety and the juvenile's opportunity for future success than registration. Additionally, the legislation includes some offenses requiring registration that are not really sexual offenses or more accurately involve children who are victims, prostitution for example.

**MOTION TO SUPPORT STAFF RECOMMENDATION TO SUPPORT:
BLACKSHEAR, SECONDED COSLEY. UNANIMOUS.**

EDUCATION

SB 2494 **Tennessee Student Health Act.** Requires each local education agency to establish a
HB 2522* student health advisory council by January 31, 2007 that will monitor and enact the
physical fitness curriculum, health policies, and nutrition programs of local public schools.
Requires every public school students in K-8 to participate in physical education for the
entire school year. (S: Ketron; H: Baird)

TCCY Staff Recommended Position: SUPPORT – REASON: TCCY supports efforts to improve student health, including but not limited to increased community involvement, improved school nutrition, and increased physical activity. High rates of obesity and diabetes among Tennessee children is evidence of the need to address child health. One of the most effective ways to do this is through a Coordinated School Health Program.

MOTION TO SUPPORT STAFF RECOMMENDATION TO SUPPORT: LESLEY, SECONDED COSLEY. UNANIMOUS.

SB 2587* **TN HOPE foster child tuition grants.** Allows students receiving Tennessee HOPE foster
HB 2809 child tuition grants to attend eligible private, as well as public, postsecondary institutions.
(S: Woodson; H: Winningham)

TCCY Staff Recommended Position: SUPPORT – REASON: TCCY supports this legislation and all appropriate strategies to increase financial aid for former foster children to enable to them to attend public or private post-secondary education and therefore increase their opportunities to be successful in life.

MOTION TO SUPPORT STAFF RECOMMENDATION TO SUPPORT: BLACKSHEAR, SECONDED LESLEY. UNANIMOUS.

SB 2685* **Reporting of DUI related accidents involving minors.** Requires the department of
HB 2794 education in consultation with the department of safety to develop advisory guidelines for
LEAs to use in developing a monthly report to inform high school students of any DUI
related death of a person 18 years old or younger. (S: Cohen; H: Marrero)

TCCY Staff Recommended Position: SUPPORT – REASON: TCCY supports legislation to provide better data regarding the death of children, including those who die as a result of a DUI-related accident. LEAs should comply with health education best practices in use of the data.

MOTION TO SUPPORT STAFF RECOMMENDATION TO SUPPORT: LESLEY, SECONDED COSLEY. UNANIMOUS.

SB 2723* **Alternative education - curriculum, advisory council.** Requires state board of education
HB 2807 to provide a curriculum for alternative schools that ensures student success by using different learning strategies and techniques. Establishes an advisory council on alternative education composed of ten members to advise and consult with the governor, the commissioner of education and the state board of education on issues or problems related to alternative education. (S: Woodson; H: Winningham)

TCCY Staff Recommended Position: SUPPORT – REASON: TCCY supports legislation to improve alternative education programs in Tennessee. These programs are so important for children placed in them, and efforts to improve their quality to maximize student success should be supported. An advisory committee should provide guidance for improving alternative education in Tennessee that has too frequently provided little more than “warehousing” for children.

**MOTION TO SUPPORT STAFF RECOMMENDATION TO COSLEY,
SECONDED LESLEY. UNANIMOUS.**

SB 2770* **Uniform grading system for lottery scholarship eligibility.** Requires the grading system
HB 2810 for lottery HOPE scholarships be based on a 5.0 scale. Specifies that honors courses and National Industry Certification courses are awarded an additional half point and advanced placement, international baccalaureate and college level courses are awarded one extra point. (S: Cohen; H: Winningham)

TCCY Staff Recommended Position: SUPPORT – REASON: TCCY supports this legislation to define the grading scale, including appropriate weighting for honors, advanced placement, etc., classes, to ensure equity in determining grade point averages and therefore eligibility for HOPE Scholarships.

**MOTION TO SUPPORT STAFF RECOMMENDATION TO BLACKSHEAR,
SECONDED LESLEY. UNANIMOUS**

SB 2888 **Expulsion for students who fight in gangs.** Requires student who gangs up with others to
HB 2439* fight an individual student on school property to be expelled for a period of one year. (S: Haynes; H: Turner M.)

TCCY Staff Recommended Position: OPPOSE – REASON: TCCY strongly supports appropriate efforts to maintain order and discipline in schools and to reduce incidences of bullying, but it is opposed to mandatory expulsion for students who get into altercations at school. Expelling children substantially increases the chances they will become involved in undesirable behavior (sexual activity, delinquency, etc.), increases the probability expelled children will wind up in state custody, decreases the prospects the expelled children will have the opportunity to be successful in school and in life.

**MOTION TO SUPPORT STAFF RECOMMENDATION TO OPPOSE:
BLACKSHEAR, SECONDED COSLEY. UNANIMOUS.**

SB 2970* **Popular election of director of schools.** Authorizes election of director of schools and specifies qualifications of such position. (S: Burks)

TCCY Staff Recommended Position: OPPOSE – REASON: TCCY supports continued appointment of school superintendents by an elected school board and therefore opposes legislation to return to elected superintendents. Selection of school superintendents should be based solely on professional qualifications, not a popularity contest determined through an election. An appointed school superintendent who is not effective can be replaced. An elected school superintendent who is not effective will continue in office at least until the next election unless there is a recall.

MOTION TO SUPPORT STAFF RECOMMENDATION TO OPPOSE: LESLEY, SECONDED COSLEY. UNANIMOUS.

SB 3020* **At-risk children eligible for private pre-K providers.** Requires department of education to create a registry of non-profit and for-profit child care providers of pre-K. Allows parents of at-risk children eligible for voluntary pre-K to send their children to private pre-K providers, an LEA pre-K program or an LEA and non-school system provider collaborative program. (S: Bryson)

TCCY Staff Recommended Position: OPPOSE – REASON: TCCY supports the pre-K program as a voluntary program focused on at-risk children. However, TCCY is opposed to this legislation that dilutes funding for established programs by essentially providing a voucher system that could jeopardize the financial integrity of the developing pre-K program. Current pre-K provisions require a local advisory committee to provide input on pre-kindergarten programs and allow and encourage collaborations involving child care agencies and local education agencies. Additionally, the alternative pre-K programs chosen might not meet the high standards of the pre-K program, and strict compliance with the standards for quality is a critical element in the value and outcomes produced by pre-K.

MOTION TO SUPPORT STAFF RECOMMENDATION TO OPPOSE: BLACKSHEAR, SECONDED COSLEY. PASSED. NEIGHBORS RECUSED HERSELF.

SB 3094 **Foster child education assistance and HOPE scholarships.** Removes eligibility for
HB 2619* HOPE scholarship or HOPE access grant as prerequisite for eligibility under Tennessee
HOPE foster child tuition grant program. (S: Haynes; H: McMillan)

TCCY Staff Recommended Position: SUPPORT – REASON: TCCY supports legislation that makes former foster children eligible for HOPE scholarships whenever they are admitted to and able to remain enrolled in post-secondary education. Children who have been in foster care have experienced substantial trauma and are often subjected to school changes that have an adverse impact on their achievement. This legislation would enable them to receive and retain a HOPE scholarship as long as they are in post-secondary education and thus substantially increase their opportunity for success in life.

**MOTION TO SUPPORT STAFF RECOMMENDATION TO SUPPORT
BLACKSHEAR, SECONDED COSLEY. UNANIMOUS**

SB 3113* **School programs funded from net lottery proceeds.** Establishes six pilot after school
HB 3249 educational programs for at-risk students to prepare for ACT and SAT examinations
funded by net state lottery proceeds. Requires two pilot programs to be in each grand
division. (S: Bowers; H: Brown)

TCCY Staff Recommended Position: SUPPORT – REASON: TCCY supports legislation to provide after school programs that increase the prospects for at-risk students to be successful on standardized tests because of the substantial impact this has on their eligibility for higher education, HOPE Scholarships, and therefore success in life.

**MOTION TO SUPPORT STAFF RECOMMENDATION TO SUPPORT:
BLACKSHEAR, SECONDED COSLEY. UNANIMOUS.**

SB 3537* **Schools Against Violence in Education Act.** Enacts the "Schools Against Violence in Education Act" also known as the "SAVE Act." Requires each LEA in the state to adopt a district-wide school safety plan and building-level school safety plans regarding crisis intervention, emergency response and emergency management including policies and procedures for responding to and preventing against violent acts in or on school grounds. Requires each LEA to file a copy of its district-wide comprehensive safety plan with the commissioner no later than 30 days after their adoption. Requires the commissioner to report to the governor and to the general assembly on compliance and implementation of the safety plans and provide specific information about any violent incidents that occurred in the prior year. (S: Herron)

TCCY Staff Recommended Position: SUPPORT – REASON: TCCY supports legislation to increase school safety. TCCY further recommends amendments to the legislation to include reference to the Bullying Prevention requirements of Public Chapter 202 of the Acts of 2005 and incorporation of these requirements into school efforts against violence. Additionally, the importance of appropriate mental health intervention for children should be emphasized more in efforts to prevent violence in schools.

MOTION TO SUPPORT STAFF RECOMMENDATION TO SUPPORT: COSLEY, SECONDED LESLEY. UNANIMOUS.

FAMILY LAW

SB 2949 **Child custody in cases of abandonment.** Establishes a presumption of sole custody in
HB 2530* favor of one parent if the other parent has abandoned the child. (S: Black; H: Jones S.)

TCCY Staff Recommended Position: SUPPORT – REASON: TCCY supports legislation that would exclude joint custody for a parent who has abandoned a child unless the court finds such in the best interest of the child.

MOTION TO SUPPORT STAFF RECOMMENDATION TO COSLEY, SECONDED BLACKSHEAR. UNANIMOUS.

SB 2950 **Custody presumption in sexual assault cases.** Establishes a presumption of sole custody
HB 2529* in favor of one parent if the other parent has been convicted of a sexual assault against a child 17 years old or younger. (S: Black; H: Jones S.)

TCCY Staff Recommended Position: SUPPORT – REASON: TCCY supports legislation that creates a presumption custody should not be awarded to a parent who has been convicted of sexual offenses against a child, absent clear and convincing evidence the parent should have custody.

MOTION TO SUPPORT STAFF RECOMMENDATION TO SUPPORT: LESLEY, SECONDED BLACKSHEAR. UNANIMOUS.

SB 3171 **Study of Three Star System.** Directs the comptroller to study the implementation and
HB 2977* impact of the Three Star rated childcare system and certain childcare transportation rules.
(S: Williams Mike R.; H: Cooper B.)

TCCY Staff Recommended Position: SUPPORT – REASON: TCCY supports independent study of the child care “Three Star System” as an appropriate strategy to assess the impact of this and other child care regulations.

MOTION TO SUPPORT STAFF RECOMMENDATION TO SUPPORT. LESLEY, SECONDED BY COSLEY. NEIGHBORS RECUSED HERSELF.

SB 3619* **Time notification for non-custodial parents.** Decreases amount of time to notify non-custodial parent of hospitalization, major illness or death of the child from 24 to eight hours.
(S: Black)

TCCY Staff Recommended Position: SUPPORT – REASON: TCCY supports legislation for more timely notification of parents when a child is hospitalized, has a major illness, or dies.

MOTION TO SUPPORT STAFF RECOMMENDATION TO SUPPORT: LESLEY, SECONDED BLACKSHEAR. UNANIMOUS.

GOVERNMENT ORGANIZATION

HB 2994* **Sunset - department of education.** Sunsets the department of education on June 30, 2011.
(H: Kernell)

TCCY Staff Recommended Position: SUPPORT – REASON: TCCY supports continuation of the Department of Education.

MOTION TO SUPPORT STAFF RECOMMENDATION TO SUPPORT: COSLEY, SECONDED LESLEY. UNANIMOUS.

HB 2999* **Sunset - department of children's services.** Sunsets the department of children's services on June 30, 2011. (H: Kernell)

TCCY Staff Recommended Position: SUPPORT – REASON: TCCY supports continuation of the Department of Children’s Services.

MOTION TO SUPPORT STAFF RECOMMENDATION TO SUPPORT: COSLEY, SECONDED LESLEY. UNANIMOUS.

HB 3000* **Sunset - state board of education.** Sunsets the state board of education on June 30, 2011. (H: Kernell)

TCCY Staff Recommended Position: SUPPORT – REASON: TCCY supports continuation of the State Board of Education.

MOTION TO SUPPORT STAFF RECOMMENDATION TO SUPPORT: COSLEY, SECONDED LESLEY. UNANIMOUS.

HB 3008* **Sunset - department of mental health.** Sunsets the department of mental health and developmental disabilities on June 30, 2011. (H: Kernell)

TCCY Staff Recommended Position: SUPPORT – REASON: TCCY supports continuation of the Department of Mental Health and Developmental Disabilities.

MOTION TO SUPPORT STAFF RECOMMENDATION TO SUPPORT: COSLEY, SECONDED LESLEY. UNANIMOUS.

HB 3012* **Sunset - Department of human services.** Sunsets the Department of human services on June 30, 2011. (H: Kernell)

TCCY Staff Recommended Position: SUPPORT – REASON: TCCY supports continuation of the Department of Human Services.

MOTION TO SUPPORT STAFF RECOMMENDATION TO SUPPORT: COSLEY, SECONDED LESLEY. UNANIMOUS.

HB 3017* **Sunset - commission on children and youth.** Sunsets the commission on children and youth on June 30, 2011. (H: Kernell)

TCCY Staff Recommended Position: SUPPORT – REASON: TCCY supports its continuation.

MOTION TO SUPPORT STAFF RECOMMENDATION TO SUPPORT: COSLEY, SECONDED LESLEY. UNANIMOUS.

HEALTH CARE

SB 2693* **Requirements for pregnancy counseling services.** Requires providers of abortion services or pregnancy counseling services to give minors seeking services information regarding statutory rape. (S: Finney)

TCCY Staff Recommended Position: SUPPORT – REASON: TCCY supports legislation providing pregnant teens with information about statutory rape and their right to report such rape and assistance in preserving evidence for use in prosecuting statutory rape.

MOTION TO SUPPORT STAFF RECOMMENDATION TO SUPPORT: LESLEY, SECONDED BLACKSHEAR. UNANIMOUS.

SB 3056 **Breastfeeding in public.** Allows a mother to breastfeed her child in any location in which
HB 3148* the mother and child are otherwise authorized to be present. Clarifies that breastfeeding does not constitute public indecency. (S: Bowers; H: Marrero)

TCCY Staff Recommended Position: SUPPORT – REASON: Because of the clearly established benefits of breastfeeding infants, TCCY supports legislation clarifying the right of a mother to breastfeed her child in any public or private place, and that such should not be considered public indecency.

MOTION TO SUPPORT STAFF RECOMMENDATION TO SUPPORT: LESLEY, SECONDED BLACKSHEAR. UNANIMOUS.

SB 3547* **Breastfeeding in public.** Allows a mother to breastfeed a child 12 months or younger in any location, public or private, where the mother and child are authorized to be present. Prohibits local governments from criminalizing or restricting breastfeeding. (S: McNally)

TCCY Staff Recommended Position: SUPPORT – REASON: Because of the clearly established benefits of breastfeeding infants, TCCY supports legislation clarifying the right of a mother to breastfeed her child in any public or private place, and that such should not be considered public indecency.

MOTION TO SUPPORT STAFF RECOMMENDATION TO SUPPORT: LESLEY, SECONDED BLACKSHEAR. UNANIMOUS.

INSURANCE HEALTH

SB 2718* **Coverage for hearing aids for children under 18.** Requires certain health care insurers to
HB 2801 offer as an optional benefit hearing aid coverage for children under 18. (S: Norris; H: DeBerry J.)

TCCY Staff Recommended Position: SUPPORT – REASON: TCCY supports requiring health insurers to provide hearing aid coverage for children. The use of hearing aids significantly increases their ability to develop language skills and succeed in school and life.

MOTION TO SUPPORT STAFF RECOMMENDATION TO SUPPORT: LESLEY, SECONDED BLACKSHER. PASSED. COSLEY RECUSED HERSELF.

SB 2719 **Coverage for certain neurological disorders.** Specifies that policies presently providing
HB 2744* coverage for treatment of neurological disorders should also cover treatment of autism spectrum disorders for persons under 21 years old. (S: Cooper J.; H: Shepard)

TCCY Staff Recommended Position: SUPPORT – REASON: TCCY supports requiring health insurers to provide coverage for autism spectrum disorders to the extent they provide coverage for other neurological disorders. Early intervention with children with autism spectrum disorders can make a substantial difference in improving their opportunity for success in personal relationships and educational and life success.

MOTION TO SUPPORT STAFF RECOMMENDATION TO SUPPORT: LESLEY, SECONDED BLACKSHER. PASSED. COSLEY RECUSED HERSELF.

SB 3013 **Coverage for hearing instruments for children.** Requires health insurance policies issued,
HB 2567* amended or renewed after July 1, 2006 to cover hearing instruments for persons under 18 years of age. (S: Herron; H: West)

TCCY Staff Recommended Position: SUPPORT – REASON: TCCY supports requiring health insurers to provide hearing aid coverage for children. The use of hearing aids significantly increases their ability to develop language skills and succeed in school and life.

MOTION TO SUPPORT STAFF RECOMMENDATION TO SUPPORT: BLACKSHEAR, SECONDED LESLEY. PASSED. COSLEY RECUSED HERSELF.

JUDICIARY

Drug or Alcohol Impaired Minor Responsibilities Act. Enacts the "Drug or Alcohol Impaired Minor Responsibilities Act." Specifies that person who willfully supplies alcoholic beverages or illegal drugs to a person under eighteen years of age is liable for death or injuries to persons or property caused by the impairment of the minor due to the use of illegal drugs or alcohol. (S: McNally; H: Sontany)

SB 2620*

HB 2672

TCCY Staff Recommended Position: SUPPORT – REASON: TCCY supports legislation to address underage drinking by creating liability for those who willfully provide alcohol or drugs to persons under eighteen years of age.

MOTION TO SUPPORT STAFF RECOMMENDATION TO SUPPORT: BLACKSHEAR, SECONDED LESLEY. UNANIMOUS.

LOTTERY

SB 2682* **Unclaimed prize money.** Requires 100 percent of unclaimed lottery prize money at the end of each fiscal year to go to the after school programs special account. Current law requires 50 percent of unclaimed lottery prize money to go to a pool from which future prizes are to be awarded and 50 percent to go to the after school programs special account. (S: Cohen; H: Winningham)

HB 2812

TCCY Staff Recommended Position: SUPPORT – REASON: TCCY supports allocation of 100 percent of unclaimed lottery prize money for after school programs. Access to after school programs can improve academic and social progress for children and decrease the likelihood they will be engaged in inappropriate activities.

MOTION TO SUPPORT STAFF RECOMMENDATION TO SUPPORT: LESLEY, SECONDED BLACKSHEAR. UNANIMOUS.

TRANSPORTATION VEHICLES

SB 2603 **Unattended Children in Motor Vehicle Safety Act.** Enacts the "Unattended Children in
HB 2595* Motor Vehicle Safety Act" which establishes a Class B misdemeanor offense for leaving a
child under age nine unattended in a motor vehicle where conditions present are a risk to
child's health or safety including leaving the engine running or leaving the keys accessible to
the child. First violation is punishable by a fine of \$200. Second or subsequent violation is
punishable by a fine of \$500. (S: Tracy; H: Hood)

TCCY Staff Recommended Position: SUPPORT – REASON: TCCY supports
legislation to increase safety for children. Leaving children unsupervised in a vehicle is
dangerous and can result in injury or even death.

**MOTION TO SUPPORT STAFF RECOMMENDATION TO SUPPORT: COSLEY,
SECONDED LESLEY. UNANIMOUS.**

Generic Positions

Early
Childhood
Education

Pre-K Programs

TCCY SUPPORTS expansion of the pre-kindergarten program and the allocation of \$25
Million in lottery funding for pre-K on a recurring basis.

**MOTION TO SUPPORT STAFF RECOMMENDATION TO SUPPORT: COSLEY,
SECONDED LESLEY. PASSED. NEIGHBORS RECUSED HERSELF.**

Food
Allergy
And
Diabetes

Food Allergy and Anaphylaxis Management and Diabetes Management in Schools

TCCY SUPPORTS all appropriate strategies to better protect children with life-
threatening food allergies and to better assist children in managing diabetes and other
medical conditions requiring ongoing monitoring and response within school settings.
Expansion of Coordinated School Health Programs may be the best strategy for
addressing these issues.

**MOTION TO SUPPORT STAFF RECOMMENDATION TO SUPPORT: BY
CONSENSUS**

Children's
Health
Insurance

Children's Health Insurance

TCCY SUPPORTS all appropriate efforts to provide health insurance for children. Access to health insurance improves the prospects children will have preventive care and timely care in the event of illness.

MOTION TO SUPPORT STAFF RECOMMENDATION TO SUPPORT: LESLEY, SECONDED BLACKSHEAR. PASSED. COSLEY RECUSED HERSELF.

Children's
Mental
Health

Children's Mental Health Study Resolution

TCCY SUPPORTS a resolution to study the children's mental health system in Tennessee to improve efforts to identify and provide needed mental health services to children in a system of care approach of services that are family centered, child focused, culturally competent, and community based or delivered in the least restrictive environment.

MOTION TO SUPPORT STAFF RECOMMENDATION TO SUPPORT: LESLEY, SECONDED BLACKSHEAR. UNANIMOUS.

Water
Fluoridation

Water Fluoridation.

TCCY SUPPORTS fluoridation in water as a major strategy for improving children's dental health and opposes legislation to limit fluoridation. Untreated dental caries is the most prevalent disease in children and it has a adverse impact on a child's ability to learn in school due to dental disease and pain.

MOTION TO SUPPORT STAFF RECOMMENDATION TO SUPPORT: LESLEY, SECONDED COSLEY. UNANIMOUS.

TCCY POSITION: All TCCY positions on legislation are based on the current version of bills. Any amendments could result in changes in TCCY position to either support or oppose. TCCY staff generally knows the concerns of Commission members and are authorized to work on amendments within those concerns. Proposed changes outside those parameters will be discussed with Commission members.



STATE OF TENNESSEE

TENNESSEE COMMISSION ON CHILDREN AND YOUTH

Andrew Johnson Tower, Ninth Floor
710 James Robertson Parkway
Nashville, Tennessee 37243-0800
(615) 741-2633 (FAX) 741-5956
1-800-264-0904

LEGISLATIVE COMMITTEE

TCCY Conference Room
Andrew Johnson Tower, Ninth Floor
Thursday, February 23, 2006
Noon

MINUTES

Committee Members Present

Diane Neighbors, Chair
Natasha Blackshear
Beverly Cosley
Dana Lesley
Colonel Robbins

Staff Present

Linda O'Neal, Director
Amber Dixon
James Moore
Steve Petty
Elizabeth Tate

Committee Members Absent

Tim Goldsmith
Charles Hutchins

Other Commission Member Present

Christy Little

Chair Neighbors called the meeting to order at 12:18 p.m.

I. Welcome and Introductions

All present introduced herself or himself.

II. Review of TCCY Legislative Positions Process

O'Neal referenced the description in the February 22 meeting and did not repeat this information.

III. Follow-Up from February 22, 2006 Meeting

Minutes and recommendations on legislation from the February 22 meeting were distributed to Commission members present in committees that met in the morning. Copies were provided to members who were not in committee meetings. Committee members agreed only legislation with recommended positions would be on the report for February 23, 2006.

IV. Legislation Review

O'Neal walked through legislation identified on February 22 for further review as well as additional legislation that came through the service on February 23. The Committee reviewed legislation identified by staff for positions and the draft recommendations. The actions of the Committee are reflected on the attached "Legislative Committee Recommendations on Positions on Legislation Tennessee Commission on Children and Youth February 23, 2006."

Judge Little identified legislation on which the Tennessee Council of Juvenile and Family Court Judges established positions at their meeting on February 13.

V. Other Business

The Committee agreed to meet on Friday, February 24, at the break to review any needed positions on additional legislation that comes through the service.

There being no further business, the meeting adjourned at 12:50 p.m.

Minutes Prepared by:

Minutes Approved by:

Linda O'Neal, Executive Director

Diane Neighbors, Chair

Legislative Committee Recommended Positions on Legislation

Tennessee Commission on Children and Youth

February 23, 2006

CRIMINAL LAW

SB 2582*
HB 2663

Statutory rape by an authority figure. Establishes Class B felony offense of statutory rape by an authority figure. Defines such offense as sexual penetration where victim is 13-18 and defendant is at least four years older than victim and has occupied some position of authority or power over victim and used it to commit offense. Requires person to serve 100 percent of sentence and makes such person ineligible for diversion or probation. (S: Black; H: Bunch)

TCCY Staff Recommended Position: SUPPORT – REASON: TCCY supports this legislation that adds statutory rape by an authority as an identified sexual offense, limits probation and release options for such offenders, and requires them to serve their full sentence. Currently rape of children between the ages of 13 and 17 does not carry the same penalty options as rape of younger children.

**MOTION TO SUPPORT STAFF RECOMMENDATION TO SUPPORT:
LESLEY, SECONDED BLACKSHEAR. UNANIMOUS**

FAMILY LAW

SB 2763
HB 2763*

Grandparents given same rights as parents in adoption cases. Requires grandparents be given the same rights afforded to legal guardians of children with respect to termination of guardianship rights and adoption of such children. (S: Woodson; H: Strader)

TCCY Staff Recommended Position: OPPOSE – REASON: TCCY supports grandparents being involved with their children and even having children placed with them and/or adopted by them in appropriate cases. However, we oppose this legislation that gives grandparents the same rights as parents and therefore would require termination of (grand)parental rights before a child could be adopted by someone else. In appropriate cases, courts can and do place children with their grandparents and permit grandparents to adopt. However, in too many cases, at least a part of the reason children are in custody as a result of abuse or neglect is the treatment their parents have received from their grandparents. This legislation would give such grandparents special rights they should not have. Please note, this legislation opens the entire Adoption code.

**MOTION TO SUPPORT STAFF RECOMMENDATION TO OPPOSE:
LESLEY, SECONDED BLACKSHEAR. UNANIMOUS.**

SB 2843*
HB 3150

Paternity for children born to minors. Requires health care professionals to make a child abuse report to the department of children's services when providing treatment to a minor 16 years of age or younger who is pregnant. Requires the department of children's services to institute a paternity proceeding to determine the father of such minor's child by a genetic test. (S: Bowers; H: Marrero)

TCCY Staff Recommended Position: OPPOSE – REASON: TCCY is concerned about teen pregnancy, especially teen pregnancy that results from incest or statutory rape by older men. However, TCCY is opposed to legislation that would require health care providers to report all pregnant teens ages 16 or younger to the Department of Children's Services for child sexual abuse investigation and determination of paternity. Teens often become pregnant as the result of consensual sexual activity among teens. While inappropriate, this is not behavior that should trigger a child sexual abuse investigation or involvement with DCS. Paternity can be determined through juvenile court without DCS involvement. DCS struggles to meet its current statutory mandates, and added responsibility to focus on child sexual abuse investigations and paternity determination for all pregnant teens ages 16 or younger could overwhelm the ability of DCS to address the needs of children facing neglect, abuse or sexual abuse. There are also concerns mandatory reporting of pregnant teens to DCS could be a serious deterrent to obtaining needed prenatal care.

**MOTION TO SUPPORT STAFF RECOMMENDATION TO OPPOSE:
BLACKSHEAR, SECONDED COSLEY. UNANIMOUS**

SB 2579*
HB 2665

Autopsies in cases involving death of a child. Directs the commissioner of the department of health to promulgate rules that establish a protocol for use in child

death cases so that organ donation does not prevent the adequate investigation of the death of a child. (S: Black; H: Ferguson)

TCCY staff recommended position: SUPPORT – REASON: TCCY supports a protocol and standards for child death investigations to ensure they are performed adequately. There have been cases of suspicious child deaths that could not be pursued due to an inadequate autopsy.

**MOTION TO SUPPORT STAFF RECOMMENDATION TO SUPPORT:
LESLEY, SECONDED ROBBINS. UNANIMOUS**

GENERIC POSITION

Child Sexual Abuse

The Tennessee Commission on Children and Youth supports efforts to protect our children from child sexual perpetrators. While the idea of locking someone up for the rest of their lives, never to offend another child again is comforting, it is not likely to happen. At some point there are not the resources available to do this. And such punishment is more appropriate for serial offenders rather than one time offenders where they may be extenuating circumstances.

While sexual offenders should be punished for their crimes, issues regarding how long they should be punished and how they should be tracked are better left to other groups to decide the appropriate way to make the punishment fit the crime and what the appropriate amount of resources are to spend to attain that goal.

The Tennessee Commission on Children and Youth urges the 104th General Assembly develop a comprehensive plan to deal with child sexual offender incarceration and monitoring that will provide for community safety within feasible revenue forecasts.

**MOTION TO SUPPORT STAFF RECOMMENDATION TO SUPPORT: COSLEY,
SECONDED ROBBINS. UNANIMOUS**



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**LEGISLATIVE COMMITTEE
Room 16**

Legislative Plaza
Friday, February 24, 2006
9:50 a.m.

MINUTES

Committee Members Present

Diane Neighbors, Chair
Beverly Cosley
Dana Lesley

Staff Present

Linda O'Neal, Director

Committee Members Absent

Natasha Blackshear
Tim Goldsmith
Charles Hutchins
Colonel Robbins

Chair Neighbors called the meeting to order at 9:50 a.m.

VI. Legislation Review

O'Neal walked through legislation that came through the service on February 23. The Committee reviewed legislation identified by staff for positions and the draft recommendations. The actions of the Committee are reflected on the attached "Legislative Committee Recommendations on Positions on Legislation Tennessee Commission on Children and Youth February 24, 2006."

VII. Other Business

There was no other business.

There being no further business, the meeting adjourned at 10:00 a.m.

Minutes Prepared by:

Minutes Approved by:

Linda O'Neal, Executive Director

Diane Neighbors, Chair

Legislative Committee Recommended Positions on Legislation

Tennessee Commission on Children and Youth

February 24, 2006

EDUCATION

SB 3194* **Summer pre-K programs.** Allows pre-kindergarten programs to operate during the
HB 3528 summer and use public school facilities if the LEA chooses to do so. (S: Woodson; H: Dunn)

TCCY Staff Recommended Position: SUPPORT/OPPOSE – REASON: TCCY supports the provisions in this legislation authorizing the use of LEA facilities for pre-kindergarten summer programs if the LEA agrees. Provision of summer programs provides the opportunity to enhance student learning and minimize skills loss over the summer break. However, TCCY opposes a summer-only pre-kindergarten. A ten-week program is not sufficient. The data from pre-kindergarten programs in Tennessee demonstrated that children who receive full-year pre-kindergarten performed substantially better on Tennessee Comprehensive Assessment Program (TCAP) tests than those who only received a half-year program, which is almost twice as long as a ten-week summer program.

MOVED TO SUPPORT STAFF RECOMMENDATION TO SUPPORT/OPPOSE: COSLEY, SECONDED LESLEY. UNANIMOUS

SB 3435* **Alternative school graduation.** State Summary: Education - Allows students to graduate
HB 3387 from alternative schools, emphasizes that the state board of education's alternative school curriculum should ensure student success, and removes language concerning alternative schools that is penal in terminology. - Amends TCA Title 49, Chapter 6. (S: Jackson; H: Shepard)

TCCY Staff Recommended Position: SUPPORT – REASON: TCCY supports legislation to strengthen learning opportunities at alternative schools, including allowing children to graduate from an alternative school if appropriate. TCCY also supports revisions in the law to require alternative schools to provide a curriculum to ensure students receive specialized attention to maximize student success.

MOTION TO SUPPORT STAFF RECOMMENDATION TO SUPPORT: LESLEY, SECONDED COSLEY. UNANIMOUS.

GOVERNMENT ORGANIZATION

SB 3650* **Creates department of juvenile justice.** State Summary: Juvenile Offenders - Creates the
HB 3490 department of juvenile justice. - Amends TCA Title 4; Title 8; Title 33; Title 34; Title 36;
Title 37 and Title 39. (S: Harper; H: Turner M.)

TCCY Staff Recommended Position: OPPOSE – REASON: TCCY opposes splitting the Department of Children’s Services to create a separate Department of Juvenile Justice. Though DCS has struggled to adequately address the needs of the children in its custody, separation would not be in their best interest. Many of the needs of children who are adjudicated delinquent or unruly are the same as those who are adjudicated dependent, neglected, abused. Many children adjudicated delinquent have also been victims of abuse or neglect, and the incidence of learning disabilities and/or mental health treatment needs is even higher among children adjudicated delinquent than those adjudicated dependent/neglected/abused. Efforts should be made to strengthen the ability of DCS to better serve all children in state custody rather than dismantling a system that admittedly has not fulfilled to expectations to date. DCS needs to improve substance abuse and mental health treatment for children adjudicated delinquent. Splitting the department is not cost effective, because a separate Department of Juvenile Justice would not have access to federal funding that supports the costs of delinquent children who are not placed in state facilities, but in contract agencies. It would also result in increased administrative costs utilizing funds that would be better spent on improved programs and services for youth.

MOTION TO SUPPORT STAFF RECOMMENDATION TO OPPOSE: COSLEY, SECONDED, LESLEY. UNANIMOUS.

JUDICIARY

SB 3557* **Information given to juvenile and family court judges.** State Summary: Courts, Juvenile
HB 3826 - Authorizes the dissemination of more information about juvenile court cases to the
council of juvenile and family court judges and gives the council some discretion to use the
information for research. - Amends TCA Title 37, Chapter 1, Part 5. (S: Person; H:
DeBerry L.)

TCCY Staff Recommended Position: SUPPORT – REASON: TCCY supports this legislation that: clarifies requirements for reporting juvenile court data on all types of cases; makes it clear the juvenile court clerks and juvenile court staff have joint responsibility for ensuring data is provided; and also clarifying the availability of such data for appropriate research purposes. These data are important for data analysis requirements for Federal grants from the Office of Juvenile Justice and Delinquency Prevention, and also for research and planning purposes to better identify and meet the needs of children involved with the juvenile justice system. Current law restricting access to the data for research purposes was problematic for the DMC study funded by TCCY, and access to the data for research was a recommendation of the study report.

**MOVED TO SUPPORT STAFF RECOMMENDATION TO SUPPORT: LESLEY,
SECONDED COSLEY, UNANIMOUS.**